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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,989	11/12/2003	Keith D. Foote	71486-0061	2988
20915	7590	10/12/2006	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			SHAHER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,989	Applicant(s) FOOTE ET AL.	
	Examiner Ricky D. Shafer	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-23 and 26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/2006 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 12, 13, 18, 19, 30 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Polzer et al ('778).

Polzer et al discloses a motor vehicle comprising at least one mirror system for providing a rearward view to the operator of the motor vehicle, the mirror system comprising a reflective element assembly (9, 9.9) including a reflective surface (9.9) for providing a reflection image, and a mounting panel (9) for mounting the reflective surface thereto; a mounting bracket (3) for mounting the reflective element assembly to the motor vehicle; a mirror plate (5, 5.1, 5.2) and an interlocking fastener assembly [(3.4, 3.5), (the screws of element 5)] for removably attaching the reflective element assembly to the mounting bracket comprising a first array of interlocking fasteners (3.4, 3.5) attached to and extend away from a first one of the reflective element

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assembly and the mounting bracket and a second array of interlocking fasteners (the screws of element 5) attached to and extending away from a second one of the reflective element assembly and the mounting bracket, and configured to interlock with the first array and to secure said first one of the reflective element assembly and the mounting bracket to the second one of the reflective element assembly and the mounting bracket without rotation of said reflective element assembly relative to the mounting bracket, wherein the second array is attached to and extend away from the mounting panel/mirror plate and wherein at least one of the first array and the second array comprises a regularly-spaced plurality of fastening elements (the screws of element 5), each fastening element comprising an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head. Note Fig. 2 along with the associated description thereof.

4. Claims 1, 2, 8-20 and 26-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Assinder ('255).

Assinder discloses a motor vehicle comprising at least one mirror system for providing a rearward view to the operator of the motor vehicle, the mirror system comprising a reflective element assembly (32, 34) including a reflective surface (34) for providing a reflection image, and a mounting panel (32) for mounting the reflective surface thereto; a mounting bracket (10) for mounting the reflective element assembly to the motor vehicle; a mirror plate (20) and an interlocking fastener assembly [(18, 22, 30), (16, 24)] for removably attaching the reflective element assembly to the mounting bracket comprising a first array of interlocking fasteners (16, 24) attached to and extend away from a first one of the reflective element assembly and the mounting bracket and a second array of interlocking fasteners (18, 22, 30) attached to and extending away from a second one of the reflective element assembly and the mounting bracket,

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and configured to interlock with the first array and to secure said first one of the reflective element assembly and the mounting bracket to the second one of the reflective element assembly and the mounting bracket without rotation of said reflective element assembly relative to the mounting bracket, wherein the second array is attached to and extend away from the mounting panel/mirror plate, wherein at least one of the first array and the second array comprises a regularly-spaced plurality of fastening elements (24), each fastening element comprising an elongated cylindrical shaft terminating in an expanded, mushroom-shaped head (see Fig. 1), wherein the mounting bracket further comprises a plurality of tilt actuators (26, 28) for vertically and horizontally tilting the reflective element assembly in order to adjust a rearward field of vision provided thereby and comprises a mounting/base plate (20) pivotally attached thereto and having the first array (16, 24) attached thereto. Note figures 1-5 along with the associated description thereof.

5. Claims 1, 12, 13, 16, 19, 30, 31 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Brechbill et al ('872).

Brechbill et al discloses a motor vehicle comprising at least one mirror system for providing a rearward view to the operator of the motor vehicle, the mirror system comprising a reflective element assembly (13, 26) including a reflective surface (13) for providing a reflection image, and a mounting panel (26) for mounting the reflective surface thereto; a mounting bracket (25) for mounting the reflective element assembly to the motor vehicle; a mirror plate (29) and an interlocking fastener assembly (22, 24) for removably attaching the reflective element assembly to the mounting bracket comprising a first array of interlocking fasteners (22) attached to and extend away from a first one of the reflective element assembly and the mounting bracket

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and a second array of interlocking fasteners (24) attached to and extending away from a second one of the reflective element assembly and the mounting bracket, and configured to interlock with the first array and to secure said first one of the reflective element assembly and the mounting bracket to the second one of the reflective element assembly and the mounting bracket without rotation of said reflective element assembly relative to the mounting bracket, wherein the second array is attached to and extend away from the mounting panel/mirror plate, wherein the mounting bracket further comprises a motor unit (20) which comprises a mounting/base plate (29) pivotally attached thereto and having the first array (22) attached thereto. Note figures 1-4 along with the associated description thereof.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assinder ('255).

Assinder discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the mounting panel comprises a synthetic resin, a thermoplastic material or gas-injected plastic material having a plurality of microscopic voids.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify plastic material of the mounting panel of Assinder to include a synthetic resin, a thermoplastic material or gas-injected plastic material having a plurality of microscopic voids, as is well known in the art, since it has been held to be within the general skill of a worker

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to select a known material on the basis of its suitability for the intended use and purpose of obtaining a degree of resiliency. Note In re Leskin, 125 USPQ 416.

8. Claims 2-5, 8-11, 14, 15, 19-23, 26-29, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brechbill et al ('872).

Brechbill et al discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the motor unit comprises a tilt actuator for vertically and horizontally tilting the reflective element assembly in order to adjust a rearward field of vision.

It is well known to use motor units including a tilt actuator for vertically and horizontally tilting of a reflective element assembly in the same field of endeavor for the purpose for the purpose of providing an adjustment of a rearward field of view.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the motor unit (20) of Brechbill to include a tilt actuator for vertically and horizontally tilting the reflective element assembly, as is commonly used and employed in the mirror art, in order to adjust a rearward field of view.

As to the limitations of claims 2-5 and 20-23, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to mounting panel of Brechbill et al to include a plastic material of a synthetic resin, a thermoplastic material or gas-injected plastic material having a plurality of microscopic voids, as is well known in the art, in order to provide a light weight mounting panel, since it has been held to be within the general skill of a worker to select a known material on the basis of its suitability for the intended use and purpose of obtaining a degree of resiliency. Note In re Leskin, 125 USPQ 416.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

October 01, 2006


RICKY D. SHAFER
PATENT EXAMINER
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